

Emergency Bill No. 13-98
Concerning: Tobacco - Distribution to
Minors
Revised: 5-18-97 Draft No. 2
Introduced: May 20, 1998
Expires: November 20, 1998
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the request of the County Executive

AN EMERGENCY ACT to:

- (1) Prohibit the distribution of tobacco products to minors;
- (2) Impose a certain civil penalty; and
- (3) Generally supplement state law regarding the distribution of tobacco products to minors.

By adding

Montgomery County Code
Chapter 24, Health and Sanitation
Section 24-9C, Distribution of Tobacco Products to Minors

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland, approves the following Act:

1 Sec 1. Section 24-9C is added as follows:

2 24-9C. Distribution of Tobacco Products to Minors.

3 (a) Definitions. In this Section the following words have the meanings
4 indicated.

5 (1) Tobacco product means any substance containing tobacco,
6 including cigarettes, cigars, smoking tobacco, snuff, or
7 smokeless tobacco.

8 (2) Distribute means to:

9 (A) give away, sell, deliver, dispense, or issue;

10 (B) offer to give away, sell, deliver, dispense, or issue; or

11 (C) cause or hire any person to give away, sell, deliver,
12 dispense, or issue or offer to give away, sell, deliver,
13 dispense, or issue.

14 (b) Unlawful distribution.

15 (1) A person engaged in the business of selling or otherwise
16 distributing tobacco products for commercial purposes must
17 not:

18 (i) distribute any tobacco product to a minor, unless the
19 minor is acting solely as the agent of the minor's
20 employer who is engaged in the business of distributing
21 tobacco products;

22 (ii) distribute cigarette rolling papers to a minor; or

23 (iii) distribute to a minor a coupon redeemable for any
24 tobacco product.

25 (2) A person, who is not a person described under paragraph
26 (b)(1), must not:

(i) buy for or sell to a minor any tobacco product; or

(ii) deliver or sell to a minor cigarette rolling papers.

(c) Subsection (b) does not apply to the distribution of a coupon which is redeemable for any tobacco product when the coupon is contained in a newspaper, a magazine, or any other type of publication in which the coupon is incidental to the primary purpose of the publication, or sent through the mail.

(d) A person has not violated this Section if:

(1) that person examined a driver's license or another valid identification issued by an employer, a government entity, or an institution of higher education; and

(2) that license or other identification positively identified the buyer or recipient of a tobacco product as at least 18 years old.

(e) If a minor bought a tobacco product from a vending machine, this Section does not apply to the owner of the vending machine or any other person with control over the vending machine.

(f) A person who violates this Section is liable for a class A civil violation.

Sec 2. Emergency Effective Date.

The Council declares that an emergency exists and that this legislation is necessary for the immediate protection of the public health and safety. This Act takes effect on July 1, 1998.